

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO.: 21-2415 (DSD/JFD)

Kelvin J. Miles,

Petitioner,

v.

ORDER

Warden Kallis Federal Medical
Center; and United States of
America,

Respondents.

This matter is before the court upon the report and recommendation of United States Magistrate Judge John F. Docherty dated September 20, 2022 (R&R). Petitioner Kelvin Miles timely objected to the R&R. In doing so, Miles simply reiterates the arguments made before the magistrate judge.

The court reviews de novo any portion of the R&R to which specific objections are made. See 28 U.S.C. § 636(b)(1)(c). The court liberally construes a document filed by a pro se litigant. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). Liberal construction means that the court construes a pro se litigant's filing "in a way that permits the [litigant]'s claim to be considered within the proper legal framework." Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004) (applying liberal construction to a pro se complaint). Pro se litigants are not held to the same

stringent standards as formal pleadings drafted by lawyers. See Erickson, 551 U.S. at 94. Liberal construction does not mean, however, that the court will supply additional facts or construct legal theories on behalf of the litigant. See Stone, 364 F.3d at 914.

The court has carefully reviewed the R&R and Miles's objection and finds that the R&R was thorough, well reasoned, and correct. Miles's objections do not affect the court's determination in this regard.

Accordingly, based on the R&R, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED that:**

1. The R&R [ECF No. 27] is adopted in its entirety;
 2. The petition for a writ of habeas corpus [ECF No. 1] is dismissed as an abuse of the writ;
 2. The motion for default judgment [ECF No. 21] is denied;
- and
3. The motion to withdraw [ECF No. 26] is denied.

LET JUDGEMNT BE ENTERED ACCORDINGLLY.

Dated: October 10, 2022

/s David S. Doty
David S. Doty, Judge
United States District Court